

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AMERICAN TRANSIT INSURANCE COMPANY,

Plaintiff,

-against-

RIGHT CHOICE PHARMACY INC, FLORINA FARBER, JOHN DOES
1 THROUGH 5 AND ABC CORPORATIONS 1 THROUGH 5,

Defendants.

CIVIL ACTION

25-CV-3925

APPENDIX TO COMPLAINT

MANNING & KASS, ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS FOR PLAINTIFF
100 WALL STREET, SUITE 700
NEW YORK, NEW YORK 10005
(212) 858-7769

American Transit Ins. Co. v. Right Choice Pharmacy Inc. et al.
Predicate Acts

MISREPRESENTATIONS INCLUDE THE FOLLOWING:

1. False and misleading statements as to the nature, quality and cost of the Diclofenac Sodium 3% gel, Lidocaine 5% ointment and oral medications purportedly provided to Covered Persons.
2. False and misleading statements as to the reimbursement amounts the pharmacy was entitled to receive under the No-fault Law.
3. False and misleading statements that the billed for Diclofenac Sodium 3% gel, Lidocaine 5% ointment and oral medications were actually provided.
4. False and misleading statements that the charges for the Diclofenac Sodium 3% gel, Lidocaine 5% ointment and oral medications purportedly provided did not exceed the average wholesale price minus 12% (for brand name drugs) or 20% (for generic drugs), together with a nominal dispensing fee, as set forth in the New York Workers Compensation Pharmacy Fee Schedule.
5. False and misleading statements concealing that the Diclofenac Sodium 3% gel, Lidocaine 5% ointment and oral medications were prescribed and purportedly supplied pursuant to a pre-determined, fraudulent protocol.
6. False and misleading statements that Diclofenac Sodium 3% gel, Lidocaine 5% ointment and oral medications prescribed and purportedly supplied were medically necessary.

| Claim Number | Covered Person | Docs Mailed | Mailed By | Mailed To / Received By | Approx. Date of Mailing | Item/Service | Date of Service | Amount Billed | Amount Paid | False Statements |
|--------------|----------------|-------------|----------------------------|---------------------------|-------------------------|-----------------------|-----------------|---------------|-------------|------------------|
| 1100492-04 | S.D. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 4/4/2022 | Lidocaine 5% Ointment | 3/12/2022 | \$1,522.50 | \$1,522.50 | 1-6 |
| 1105335-01 | T.C. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 2/7/2022 | Diclofenac 3% Gel | 1/21/2022 | \$1,886.00 | \$1,886.00 | 1-6 |
| 1106457-02 | D.T. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 2/7/2022 | Diclofenac 3% Gel | 1/25/2022 | \$1,886.00 | \$1,886.00 | 1-6 |
| 1107615-01 | M.F.P. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 2/7/2022 | Diclofenac 3% Gel | 1/25/2022 | \$1,886.00 | \$1,886.00 | 1-6 |
| 1107878-01 | C.M. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 2/7/2022 | Diclofenac 3% Gel | 1/21/2022 | \$1,886.00 | \$1,125.00 | 1-6 |
| 1107878-01 | C.M. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 3/10/2022 | Diclofenac 3% Gel | 2/18/2022 | \$1,886.00 | \$1,125.00 | 1-6 |
| 1107878-01 | C.M. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 4/7/2022 | Diclofenac 3% Gel | 3/26/2022 | \$1,886.00 | \$1,125.00 | 1-6 |
| 1109425-02 | D.S. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 7/15/2022 | Diclofenac 3% Gel | 6/24/2022 | \$1,886.00 | \$491.27 | 1-6 |
| 1109425-02 | D.S. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 8/12/2022 | Dispensing Fee | 7/25/2022 | \$5.00 | \$1.30 | 1-6 |
| 1109425-02 | D.S. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 8/12/2022 | Diclofenac 3% Gel | 7/25/2022 | \$1,888.00 | \$491.80 | 1-6 |
| 1109425-04 | I.R. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 7/27/2022 | Dispensing Fee | 6/18/2022 | \$5.00 | \$2.50 | 1-6 |
| 1109425-04 | I.R. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 7/27/2022 | Diclofenac 3% Gel | 6/18/2022 | \$1,888.00 | \$944.00 | 1-6 |
| 1109425-04 | I.R. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 9/6/2022 | Dispensing Fee | 8/24/2022 | \$5.00 | \$2.50 | 1-6 |
| 1109425-04 | I.R. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 9/6/2022 | Diclofenac 3% Gel | 8/24/2022 | \$1,888.00 | \$944.00 | 1-6 |
| 1110745-02 | S.K.A. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 6/24/2022 | Diclofenac 3% Gel | 5/25/2022 | \$1,886.00 | \$1,886.00 | 1-6 |
| 1113827-03 | S.A. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 6/7/2022 | Diclofenac 3% Gel | 6/1/2022 | \$1,886.00 | \$1,886.00 | 1-6 |
| 1114589-02 | G.R. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 1/11/2023 | Dispensing Fee | 11/26/2022 | \$5.00 | \$5.00 | 1-6 |
| 1114589-02 | G.R. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 1/11/2023 | Lidothol Pad | 11/26/2022 | \$2,662.20 | \$2,662.20 | 1-6 |
| 1115604-02 | K.A.M. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 8/12/2022 | Dispensing Fee | 7/18/2022 | \$5.00 | \$5.00 | 1-6 |
| 1115604-02 | K.A.M. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 8/12/2022 | Diclofenac 3% Gel | 7/18/2022 | \$1,888.00 | \$1,888.00 | 1-6 |
| 1115604-03 | N.H. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/2/2022 | Dispensing Fee | 10/7/2022 | \$5.00 | \$5.00 | 1-6 |
| 1115604-03 | N.H. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/2/2022 | Diclofenac 3% Gel | 10/7/2022 | \$1,888.00 | \$1,888.00 | 1-6 |
| 1115869-01 | K.W.C. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 8/22/2022 | Dispensing Fee | 7/30/2022 | \$5.00 | \$5.00 | 1-6 |
| 1115869-01 | K.W.C. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 8/22/2022 | Diclofenac 3% Gel | 7/30/2022 | \$1,888.00 | \$1,888.00 | 1-6 |

American Transit Ins. Co. v. Right Choice Pharmacy Inc. et al.

Predicate Acts

| Claim Number | Covered Person | Docs Mailed | Mailed By | Mailed To / Received By | Approx. Date of Mailing | Item/Service | Date of Service | Amount Billed | Amount Paid | False Statements |
|--------------|----------------|-------------|----------------------------|---------------------------|-------------------------|-----------------------|-----------------|---------------|-------------|------------------|
| 1115895-02 | B.P. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 9/6/2022 | Dispensing Fee | 8/5/2022 | \$5.00 | \$5.00 | 1-6 |
| 1115895-02 | B.P. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 9/6/2022 | Diclofenac 3% Gel | 8/5/2022 | \$1,888.00 | \$1,888.00 | 1-6 |
| 1116330-02 | E.C. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 10/3/2022 | Dispensing Fee | 9/15/2022 | \$5.00 | \$2.50 | 1-6 |
| 1116330-02 | E.C. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 10/3/2022 | Diclofenac 3% Gel | 9/15/2022 | \$1,888.00 | \$944.25 | 1-6 |
| 1116330-02 | E.C. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/18/2022 | Dispensing Fee | 11/7/2022 | \$5.00 | \$5.00 | 1-6 |
| 1116330-02 | E.C. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/18/2022 | Diclofenac 3% Gel | 11/7/2022 | \$1,888.00 | \$1,888.00 | 1-6 |
| 1116418-02 | R.L.F. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/2/2022 | Dispensing Fee | 10/8/2022 | \$5.00 | \$5.00 | 1-6 |
| 1116418-02 | R.L.F. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/2/2022 | Diclofenac 3% Gel | 10/8/2022 | \$1,888.00 | \$1,888.00 | 1-6 |
| 1118995-03 | R.F. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 10/12/2022 | Dispensing Fee | 9/24/2022 | \$5.00 | \$5.00 | 1-6 |
| 1118995-03 | R.F. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 10/12/2022 | Diclofenac 3% Gel | 9/24/2022 | \$1,888.00 | \$1,888.00 | 1-6 |
| 1120290-03 | E.N. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/2/2022 | Dispensing Fee | 10/7/2022 | \$5.00 | \$5.00 | 1-6 |
| 1120290-03 | E.N. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/2/2022 | Diclofenac 3% Gel | 10/7/2022 | \$1,888.00 | \$1,888.00 | 1-6 |
| 1121310-02 | B.A. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 6/26/2023 | Dispensing Fee | 6/13/2023 | \$5.00 | \$5.00 | 1-6 |
| 1121310-02 | B.A. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 6/26/2023 | Naproxen 500mg Tab | 6/13/2023 | \$62.40 | \$62.40 | 1-6 |
| 1121310-02 | B.A. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 7/26/2023 | Dispensing Fee | 7/14/2023 | \$5.00 | \$5.00 | 1-6 |
| 1121310-02 | B.A. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 7/26/2023 | Naproxen 500mg Tab | 7/14/2023 | \$55.20 | \$55.20 | 1-6 |
| 1121310-03 | Y.Y. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 6/30/2023 | Dispensing Fee | 6/15/2023 | \$5.00 | \$5.00 | 1-6 |
| 1121310-03 | Y.Y. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 6/30/2023 | Naproxen 500mg Tab | 6/15/2023 | \$62.40 | \$62.40 | 1-6 |
| 1121310-03 | Y.Y. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 8/8/2023 | Dispensing Fee | 7/13/2023 | \$5.00 | \$5.00 | 1-6 |
| 1121310-03 | Y.Y. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 8/8/2023 | Naproxen 500mg Tab | 7/13/2023 | \$55.20 | \$55.20 | 1-6 |
| 1122321-01 | D.N. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 12/12/2022 | Dispensing Fee | 11/23/2022 | \$5.00 | \$5.00 | 1-6 |
| 1122321-01 | D.N. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 12/12/2022 | Diclofenac 3% Gel | 11/23/2022 | \$1,888.00 | \$1,888.00 | 1-6 |
| 1122897-02 | L.J.E.F. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 1/11/2023 | Dispensing Fee | 12/21/2022 | \$5.00 | \$5.00 | 1-6 |
| 1122897-02 | L.J.E.F. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 1/11/2023 | Naproxen 500mg Tab | 12/21/2022 | \$54.60 | \$54.60 | 1-6 |
| 1122897-03 | H.P. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 12/29/2022 | Naproxen 500mg Tab | 12/13/2022 | \$54.60 | \$1,579.60 | 1-6 |
| 1122897-03 | H.P. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 12/29/2022 | Lidocaine 5% Ointment | 12/13/2022 | \$1,525.00 | \$1,525.00 | 1-6 |
| 1125458-03 | K.M. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 3/1/2023 | Dispensing Fee | 2/15/2023 | \$5.00 | \$5.00 | 1-6 |
| 1125458-03 | K.M. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 3/1/2023 | Diclofenac 3% Gel | 2/15/2023 | \$1,888.00 | \$1,888.00 | 1-6 |
| 1134331-02 | C.D.D. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/3/2023 | Dispensing Fee | 10/26/2023 | \$5.00 | \$5.00 | 1-6 |
| 1134331-02 | C.D.D. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/3/2023 | Lidocaine 5% Ointment | 10/26/2023 | \$1,219.20 | \$1,219.20 | 1-6 |
| 1138136-03 | M.P. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/29/2023 | Dispensing Fee | 11/9/2023 | \$5.00 | \$5.00 | 1-6 |
| 1138136-03 | M.P. | Bill/Script | Right Choice Pharmacy Inc. | American Transit Ins. Co. | 11/29/2023 | Diclofenac 3% Gel | 11/9/2023 | \$1,888.00 | \$1,888.00 | 1-6 |